

IN THE DISTRICT COURT FOR THE STATE OF ALASKA
THIRD JUDICIAL DISTRICT AT ANCHORAGE

RAPID RECOVERY, INC.,)
)
 Plaintiff,)
)
 v.)
)
CORI FREISCHLAG and SYMKA,)
INC.,)
)
 Defendant.)
) Case No. 3AN-10- 9879 CI

COMPLAINT

Comes now plaintiff, Rapid Recovery, Inc., by and through counsel, Ingaldson, Maassen & Fitzgerald, P.C., and hereby alleges and complains against defendants as follows.

1. Plaintiff Rapid Recovery, Inc. is a corporation organized under the laws of the state of Alaska, whose principal place of business is Anchorage.

2. Defendant Cori Freischlag is a resident of Colorado, residing in Colorado Springs. At all times relevant, Freischlag was the sole owner of SYMKA, Inc.

3. SYMKA, Inc. is a corporation organized under the laws of the state of Colorado, whose principal place of business is Colorado Springs.

4. This court has jurisdiction of this matter pursuant to AS 22.15.03.

Rapid v. Freischlag
Case 3AN-10- _____ CI
Complaint

5. This is an action to recover for breach of contract.

6. Venue lies within this judicial district since the agreement was executed and the property interests sold were within the Third Judicial District.

7. SYMKA, Inc. owned and operated a variety of durable medical equipment. This medical equipment included continuous passive motion (CPM), AVI foot pumps, and "Game Ready" devices. SYMKA, Inc. provided the equipment and incurred fees related to the use of the equipment by clients.

8. SYMKA, Inc. and Freischlag contracted with Darin Applebury in the spring of 2009 as a sales associate, for which he received salary and Commissions.

9. In January, 2010, SYMKA, Inc., through Freischlag, represented that it would be leaving Alaska. In anticipation Applebury formed Rapid Recovery, Inc.

10. On or about January 22, 2010, Darin Applebury, on behalf of Rapid Recovery, Inc., and Cori Freischlag on behalf of SYMKA, Inc., entered an agreement whereby: (1) SYMKA, Inc. would sell Rapid Recovery, Inc. its client base in exchange for commissions Applebury had already incurred from May 1, 2009 to December 31, 2009, in the approximate value of \$30,000.00; (2) SYMKA, Inc. would sell Rapid Recovery, Inc.

INGALDSON,
MAASSEN &
FITZGERALD,
P.C.
Lawyers
813 W. 3rd Avenue
Anchorage,
Alaska
99501-2001
(907) 258-8750
FAX: (907) 258-
8751

Rapid v. Freischlag
Case 3AN-10-_____ CI
Complaint

inventory for \$34,500.00; and, (3) SYMKA, Inc. would bill for Rapid Recovery, Inc. at a rate of 20% until Rapid Recovery, Inc. received accreditation on its own. Exhibit 1.

11. Defendants currently owe Rapid Recovery, Inc. approximately \$75,000.00, plus an additional \$25,000.00 that is currently unbilled.

12. Plaintiff has made repeated requests for payment. Defendants concede that plaintiff is owed money, but have refused to pay.

FIRST CLAIM FOR RELIEF

13. Plaintiff reasserts the allegations contained in paragraphs 1 through 12 of this complaint as though fully set forth herein.

14. Defendants have failed to pay Rapid Recovery, Inc. the amount due as promised and agreed. Defendants have breached the agreement with plaintiff.

15. As a result of the foregoing conduct on the part of defendants, plaintiff Rapid Recovery, Inc. has suffered, and continues to suffer, damages in excess of \$50,000.00, the exact amount to be proven at trial.

WHEREFORE, plaintiff prays for judgment as follows:

1) for an award to plaintiff of damages in an amount shown to be for amounts owed, with interest;

Rapid v. Freischlag
Case 3AN-10-_____ CI
Complaint

2) that the court award plaintiff for costs, interest and attorney fees incurred in pursuing this action; and

3) that the court grant plaintiffs such other and further relief as is deemed equitable and just.

Dated at Anchorage, Alaska August 13, 2010.

INGALDSON, MAASSEN &
FITZGERALD, P.C.
Attorneys for Plaintiffs

By: 

Kevin T. Fitzgerald
ABA No. 8711085

INGALDSON,
MAASSEN &
FITZGERALD,
P.C.
Lawyers
813 W. 3rd Avenue
Anchorage,
Alaska
99501-2001
(907) 258-8750
FAX: (907) 258-
8751

\\imf01\shared\W\2223.001\Pleading\Complaint.doc

Rapid v. Freischlag
Case 3AN-10- _____ CI
Complaint